GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT

Labour Dispute :—Industrial Dispute between the Workman and the Management of Narayana Vaijappa Bhandari & Sons Nellikai Compound, Mangalore.

Award of the Labour Court, Mangalore—published.

Read the following papers :

(i) Letter No. ID/LCM 20/70, dated 28th November 1970 from Sri Mohd. Hameeduddin Khan, Presiding Officer, Labour Court, Mangalore.

BEFORE THE LABOUR COURT AT MANGALORE.

Dated 28th of November 1970.

Reference (ID) (LCM) No. 20 of 1970.

Present

Mohd. Hameeduddin Khan, B.SC.,LL.B., *Presiding Officer.*

Between :—

Shri M. Anantharamappayya,
Shavali Kasaba Village, Manki P.O.,
Udipi, South Kanara. ... *I Party,*

and

The Management of Narayana Vaijappa
Bhandari & Sons, Nellikai Compound,
Mangalore. ... *II Party.*

The Government of Mysore being of opinion that an industrial dispute exists between the Workmen and the Management of Narayana Vaijappa Bhandari & Sons, Nellikai Compound Mangalore referred it under Section 10 (1) c) of the Industrial Disputes Act, 1947 *vide* Order No. FCL 233 LLD 70 (ii), dated 8th June 1970 to this Labour Court at Mangalore for adjudication on the following points of dispute.

"I Is the management of M/s. Narayana Vaijappa Bhandari & Sons, Nellikai Road, Mangalore justified in refusing employment to Sri M. Anantharamappayya with effect from 5th July 1968 ?

II. If not, to what reliefs is the worker entitled? to"

2. On receipt of the reference on 10 h June 1970 it was registered as Reference (ID) (LCM) No. 20 of 1970 on the file of this Court, and notices were issued to both the parties to file their claim and counter statements. The I Party is represented by Sri P.S. Tellicherkar and the II Party is represented by Sri K.S. Rao. The claim statement of the I Party was filed on 14th July 1970, and the counter statement of the II Party was filed on 23th July 1970. In view of the pleadings, additional issues were framed apart from the points of dispute on 29th July 1970 as under

1. Whether the dispute is an industrial dispute and this Court has jurisdiction to adjudicate upon it ?
2. Whether the II Party refused work to the I Party workmen Sri M. Anantharamappayya on 5th July 1968 or the I Party workman himself ceased to collect rentals and keep account of the rentals to collected as from 5th July 1967 ?
3. Whether the II Party asked the I Party workman *vide* notice dated 19th December 1969 to come and join duty on or before 2nd January 19 0 but the I Party workman did not take advantage of this offer made by the II Party ? If so, what will be its effect on this reference ?
4. Whether a sum of Rs. 6,070 towards the arrears of salary of the I Party workmen from 1950 to July 1958 in the shape of deposits is recoverable by the I Party from the II Party in this reference ?
5. What award ?

Thereafter the parties took adjournments from time to time for evidence. But today the 23th November, 1970 both the parties filed a joint memo of Settlement under the signatures of Sri P. S. Tellicherkar, representative of the I Party, and Sri K. S. Rao, representative of the II Party. Sri P. Narayana Bhandary, Partner of the II Party, has also signed the joint memo of settlement. Therefore, it was recorded. Now, in view of this Joint memo of settlement, there is no need to narrate the facts contained in the claim and counter statements. As per the Joint memo of settlement both the parties to this dispute have amicably settled the dispute on the following terms: The management of M/s. Narayana Vaijappa Bhandary has agreed to pay Rs. 1,500

only to Sri Anantharamappayya, workman under the said management. The said workman in consideration of the acceptance of the offer of Rs. 1,500 has given up the demand of reinstatement or any other relief The said workman has been handed over the cheque No. 45234 on Canara Bank, Hampankatta, Mangalore for Rs. 1,500 (Rupees one thousand five hundred only) in full settlement of his claims, and that he has no claims whatsoever against the management in any shape. It was prayed to pass an award in terms of the above settlement which is considered by the parties fair and reasonable. In my view, this settlement is just, fair and reasonable. Hence accepting the terms of the Joint memo of settlement, I make the following award :

AWARD

An award is passed in terms of the Joint Memo of Settlement copy ofwhich shall form part of this award. No order as to costs

MANGALORE,
26th November, 1970.

MOHD. HAMEEDUDDIN KHAN,
Presiding Officer,
Labour Court, Mangalore

BEFORE THE LABOUR COURT AT MANGALORE

(ID) (LCM) 20/70

Between :

Workman of

(Anantharamappayya M.) M/s. P. Narayana Vaijappa Bhandary & Sons, Mangalore ... *I party*

and

M/s. P. Narayana Vaijappa Bhandarya & Sons, Mangalore Management ... *II Party*

JOINT MEMO OF SETTLEMENT.

Whereas the dispute arose between the workman Sri Anantharamappypa M. and the management of M/s. P. Narayana Vaijappa Bhandary & Sons, Mangalore in respect of reinstatement of the said workman and any other reliefs.

And whereas the said dispute has been referred to this Court by the Government under Section 10 of the Industrial Disputes Act for adjudication.

Now therefore, both the parties to this dispute, have amicably settled the dispute on the terms which are as follows :

1. The management of M/s Narayana Vaijappa Bhandary has agreed to pay Rs 1,500 (one thousand and five hundred only) to Sri Anantharamappayya, workman under the said management.

2. The said workman, in consideration of the acceptance of the offer of Rs. 1,500 (Rupees one thousand five hundred) has given up the demand of reinstatement or any other relief.

3. The said workman has been handed over the cheque No. 45234 on Canara Bank, Hampankatta, Mangalore for Rs. 1,500 in full settlement of his claims. The said workman has no claims whatsoever against the management in any shape.

Both the parties agree to the above terms.

Pray therefore this Hon. Court be pleased to pass an award in terms of the above settlement which is considered by the parties fair and reasonable.

Mangalore, 28-11-1970 } Sd. (P. Narayan Bhandary) Sd. (P. S. Tellicherikar) I Party
Sd. (K. Shashidher Rao) II Party.

Recorded. File.

Sd (MOHD. HAMEEDUDDIN KHAN)
Presiding Officer,
Labour Court, Mangalore.

"COPY"

(MOHD. HAMEEDUDDIN KHAN.)
Presiding Officer,
Labour Court, Mangalore.